

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.2794 of 1991
LAXMIM NARAIN SINGH & ANR
Versus
THE COLLECTAR, VAISHALI AT HAJIPUR & ORS.

3 16.12.2008

Vide order dated 28.2.1990 while exercising power under section 32 of the Consolidation Act the Collector has imposed a fine of Rs. 250/- on the vendor of petitioners on the ground that deed of gift executed by her was in breach of section 5 as no permission had been obtained prior to the said execution.

Learned counsel appearing for the petitioners submits that there is clear indication even from the order that there was no clear evidence that the publication of the land register as well as the statement of principle had already been made as is the requirement under section 5. In absence of any categorical finding or statement on the issue, the petitioners could not have been held to have violated the law.

Submission of learned counsel does have reflection in the impugned order.

In view of the same the order in question contained in annexure-2 dated 28.2.1991 is hereby quashed and the writ application is allowed.

RPS

(Ajay Kumar Tripathi, J.)